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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,098	11/29/2001	Sunil H. Contractor	00976	3620

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EXAMINER

MAUNG, NAY AUNG

ART UNIT PAPER NUMBER

2681

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/997,098

**Applicant(s)**

CONTRACTOR, SUNIL H.

**Examiner**

Nay A. Maung

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Houde et al (Houde; patent no. 6,128,481).

Consider claim 9. Houde teaches a telecommunications system (fig. 4), comprising: a controller (fig. 4, item 46), comprising: a mobile positioning center (fig. 4, item 65; col. 3, lines 35-50); a location management platform (fig. 4, item 63; col. 4, lines 10-17); and a GIS application (item 63 which includes the GIS application in order to determine the location of the mobile; col. 3, lines 4-50); at least one telecommunications switch (fig. 4, item 43 contains at least one telecommunications switch); and a wireless telecommunications network (fig. 4, item 43).

Consider claim 10. Houde further teaches a network database in communication with the controller (fig. 4, items 43 and 45; col. 3, lines 25-35).

Consider claim 11. Houde further teaches a PSAP database in communication with the controller (fig. 4, item 64 which is a PSAP selector which also is a database contains PSAP; col. 2, lines 50-55).

Consider claim 12. Houde further teaches wherein the controller is a service control point (fig. 4, item 46, SCP).

Consider claim 13. Houde further teaches wherein the at least one telecommunications switch includes a mobile switching center (fig. 4, item 43).

Consider claim 14. Houde further teaches wherein the wireless telecommunications network includes a cellular network (i.e., a mobile communication network; col. 2, lines 30-40).

Consider claim 15. Houde further teaches a position determining device (fig. 4, item 63).

Consider claim 16. Houde further teaches wherein the position determining device includes GPS functionality (i.e., the latitude and longitude coordinates which is GPS functionality; col. 3, lines 23-35).

Consider claim 17. Houde further teaches an intelligent peripheral device (fig. 4, item 68).

3. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Emery et al. (Emery; patent no. 5,727,057).

Consider claim 18. Emery teaches a controller for controlling the delivery of a call to either a wireline device or a wireless device depending on the a location of the wireless device in relation to a location of the wireline device (fig. 1, col. 3, line 25 to col. 4, line 67), comprising: a mobile positioning center (fig. 1, items 104, 114; col. 4, lines 25-40); a location management platform (fig. 1, item 104); and a GIS application (in order to determine the geographic location, the GIS application is used, col. 5, lines 1-60).

***Allowable Subject Matter***

4. Claims 1-8 are allowed over the prior art of record.

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5. The following is a statement of reasons for the indication of allowable subject matter: it is very well-known in the art a method of delivering a call to a called party's device, comprising: receiving a call directed to a wireline device; validating that a telephone number of the wireline device is associated with a telephone number of a wireless device, and determining the wireless device is available to receive the call, and if not, then the call is routed to the wireline device (see Roberts et al.; patent no. 6,208,854). It is also very well-known in the art a method and system for processing a telephone call to a wireless telephone number associated with a mobile telephone unit forwards the call to a registered wireline number if the mobile unit is located near the geographic location associated with the wireline number, and determination of the location is based on the current or last known location of the wireless unit (see Syed et al. , patent no. 6,038,451).

However, the prior art of record fails to show, in individual or in combination, the addition steps transmitting a message to the wireless device; delivering the call to the wireline device when a return message is not received from the wireless device; determining a location of the wireless device when a return message is received from the wireless device; comparing the location of the wireless device with a location of the wireline device; delivering the call to the wireless device when the location of the wireless device is not within a predefined vicinity of the location of the wireline device; and delivering the call to the wireline device when the location of the wireless device is within a predefined vicinity of the location of the wireline device, as disclosed in claim 1. Claims 2-6 are depended on claim 1; therefore, the examiner give the same reason as set forth above. Claim 7 is apparatus claim of clam 1, and claim 8 is a computer-

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readable medium claim of claim 1; therefore, the examiner give the same reason as set forth in claim 1.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roberts et al. (6,208,854) discloses a system and method for routing a call to a called party's landline or wireless communication unit; and

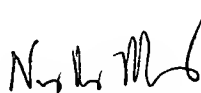
Syed et al. (6,038,451) recites a location based method of an system for forwarding wireless telephone calls.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nay A. Maung whose telephone number is 703-308-7745. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

  
**NAY MAUNG**  
**PRIMARY EXAMINER**  
Art Unit 2681

February 9, 2003